



O.P.No.501 of 2021

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and A.No.174 of 2022

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KRISHNAN RAMASAMY, J.,

This petition has been filed under Sections 232 and 276 of the Indian Succession Act, XXXIX, 1925 read with Order XXV, Rule 5 of O.S. Rules, for the grant of Letters of Administration with the Will of the deceased having effect throughout the State of Tamil Nadu.

2.The case of the petitioner is that the petitioner's aunt namely A.R.Raji Bai passed away on 08.04.2012. During her lifetime, the deceased A.R.Raji Bai and her husband A.V.Rama Rao jointly purchased the property by a registered sale deed dated 24.01.1996. The said A.V.Rama Roa died intestate on 25.05.2002. Subsequently the said A.R.Raji Bai acquired the above said property and she was in continuous possession and enjoyment of the property. The said A.R.Raji Bai executed a registered Will dated 15.10.2003 and registered as Document No.124 of 2003 at SRO, Sembium in favour of the petitioner. Therefore, the petitioner filed the present petition to administer the properties of the deceased A.R.Raji Bai and also render a



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true account of the said property and credits within one year from the said date. No application has been filed in any other Court for Letters of Administration.

3.In order to establish the case of the petitioner, the petitioner was examined as P.W.1 and following documents Viz., Exs.P.1 to P.8 were marked;

(1) Ex.P1 is the Original Death Certificate of deceased Tmt.A.R.Raji Bai issued by Corporation of Chennai.

(2) Ex.P2 is the Death Certificate of A.V.Rama Rao issued by the Corporation of Chennai.

(3) Ex.P3 is the Original Will and Testament dated 15.10.2003 executed by Tmt.A.R.Raji Bai, registered as document No.124/2003 in Book No.3, before the Sub-Registrar, Sembium.

(4) Ex.P4 is the Aadhaar Card of the petitioner.

(5) Ex.P5 is the sale deed dated 24.01.1996 in favour of deceased Tmt.A.R.Raji Bai and A.V.Rama Rao, bearing document No.595 of 1996 in Book No.1, before the SRO, Sembium.



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(6) Ex.P6 is the affidavit of assets filed by the petitioner.

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(7) Ex.P7 Consent affidavit of the respondent.

(8) The paper publication was effected in Makal Kural dated 11.10.2021 and effected in “Trinity Mirror” dated 20.10.2021. Despite the same, so far no objection was received by this Court.

4.Mr.M.Jayaraman, who is the family friend of the deceased A.R.Raji Bai is examined as P.W.2 and marked evidence Ex.P.9, which is his affidavit. In his evidence, he has stated as follows:

“I state that I knew the signature of deceased Tmt.A.R.Raji Bai and also I knew the signatures of the two attesting witnesses N.C.Saravanan and T.S.Alexander and I state that the signature found on the Will dated 15.10.2003 executed by deceased Tmt.A.R.Raji Bai is that of the said Tmt.A.R.Raji Bai and signatures of the attesting witnesses are that of the said Mr.N.C.Saravanan and Mr.T.S.Alexander and the said Will was registered as document No.124 of 2003 in Book No.3 before the Sub-Register Office, Sembium.

I state that at the time of execution and registration of the above said Will dated 15.10.2003,



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the said deceased so subscribed her name and signature to the said Will as a aforesaid and the two witnesses was of sound and disposing state of mind, memory and understanding.

Therefore, I have filed Third party affidavit in this petition to prove that the signature found in the Will dated 15.10.2003 by deceased Tmt.A.R.Raji Bai is with sound state of mind and without any coercion, undue influence and also to prove the signatures of two witnesses. The Third Party affidavit filed by me may be marked as Ex.”

5.As far as the respondent is concerned, she is the sister of the petitioner and she has given consent affidavit to probate the Will.

6. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioner is entitled to the issuance of Letters of Administration.

7.Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in



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the schedule. The petitioner is also directed to execute a security bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year.

8.The learned Advocate Commissioner has filed a memo seeking to grant additional remuneration. Considering the same, the additional remuneration is fixed at Rs.10,000/- payable by the petitioner herein and the same shall be paid before the issuance of Letter of Administration to and in favour of the petitioner. Consequently, connected Application is closed.

01.07.2022

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